

The New Hampshire Democracy Report

NH legislation on campaign finance, voting rights, redistricting, and money in politics



March 8, 2021

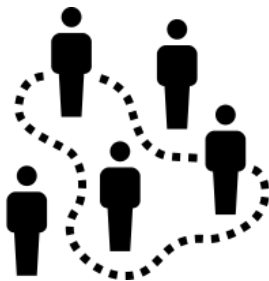
Editor's note: We apologize for the tardiness of the NHDR this week! Too much to do and not enough time! While we weren't able to get Monday's hearings out to you, we did update today's executive session votes for the House Election Law Committee.

Monday's Bills in House Election Law Attack Student Voting, Same Day Registration, Voter Affidavits

We alerted you last week to the dozens of bills in House Election Law which attack absentee and in-person voting, most using the false narrative of our elections being tainted with fraud and manipulation. All voters, but particularly students, lower income voters, and the elderly and disabled will be adversely affected by these anti-voter bills.

Monday, bills assailing same day voter registration, elimination of the "qualified voter affidavit" and the implementation of "provisional ballots" were all heard, as were bills eliminating statutes allowing on-campus dorms as domicile, and bills which try to change the definition of "temporary" residents of NH are attempting to restrict student voting.

Tuesday, Special Committee on Redistricting Meets for the first time



There were five bills created in January to be vehicles for the Congressional, State House, State Senate, Executive Council, and County Commission voting districts. To be clear, this is not an Independent Redistricting Commission. This is instead a committee of 15 legislators, 8 Republicans and 7 Democrats, and no representatives from NH's largest group of voters, unaffiliated voters. It is still unclear who will ACTUALLY be drawing the maps, and whether the process, data, software and criteria will be shared with the committee.

With no data yet available from the U.S. Census Bureau, and none expected until the end of September, on Tuesday, the Special Committee on Redistricting will open "hearings" for these bills, then refer those bills back to the committee for more work. Open Democracy Action will be testifying at these hearings (if we are allowed) with our expectations of this committee. Your job will be to sign in to those bills and take no position on them, but send the message that we are watching the committee's every move. Our Open Democracy Teams have already taken the step of writing to the committee to begin the dialog.

Share the sign-up for the NH Democracy Report:

https://www.opendemocracyaction.org/nh_democracy_report

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UPCOMING HEARINGS

Monday, March 8, Senate Election Law & Municipal Affairs

Sen. Gray (C), Sen. Birdsell (VC), Sen. Ward, Sen. Soucy, Sen. Perkins Kwoka

9:00 a.m. [SB 89](#), Senator Gray proposes a omnibus bill which has four sections:

Section 1 addresses some existing language referring to the "Chief Elections Officer," and instead changes it to "City Clerk."

Section 2 prohibits the photography within the guardrail that captures another voter or another voter's ballot.

Section 3 on first look appears to address the preprocessing of absentee ballots, which Open Democracy Action does not have a problem with. However, cleverly just referred to as [RSA 659:50](#), is in fact a trojan horse which reinstates signature matching on absentee affidavits and voter registration documents, which was struck down by the courts.



Section 4 sets up a study committee to review voting machine audit devices.

Section 5 is related to a non-democracy issue.

Open Democracy Action is not opposed to the majority of this bill, but Section 3 tries to use signatures, an unreliable verification method, trying to fix a current system which is not broken. Plus, it was an attempt to implement the practice in a less-than-transparent manner.

Executive Session -

[SB 90](#), which would have required any resources used as part of the software used in the Special Committee on Redistricting be available for public examination, was voted Inexpedient to

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Legislate in a 3-2 party-line vote. In 2011, the software used by the majority was never made public, and the criteria and data never received public scrutiny. This was the last piece of legislation that would have protected a nonpartisan, transparent redistricting process.

Monday, March 8, House Election Law

Join by Video: <https://zoom.us/j/91394352757>

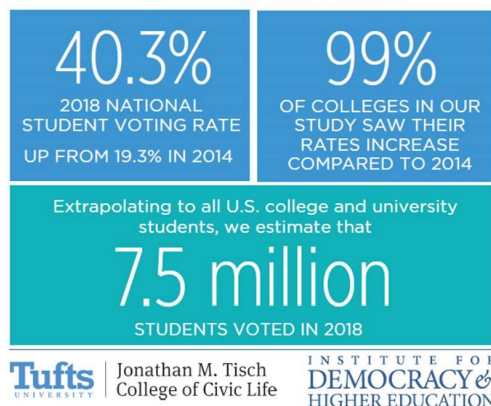
Join by Phone: 929-205-6099 Webinar ID: 913 9435 2757

Technical issues: hcs@leg.state.nh.us or call (603-271-3600)

Sign in: <http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>

Hearings

College Student Voting Doubled in 2018

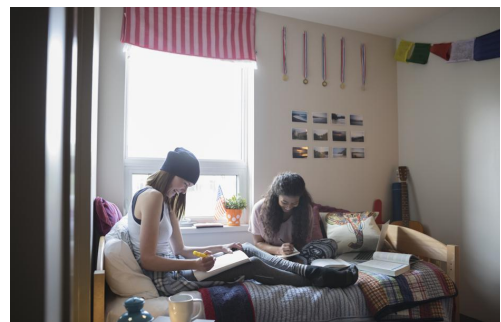


9:30 a.m. [HB 429](#) requires students to prove they have registered to vote in NH to obtain in-state tuition rates. But then it removes college IDs as a form of identification to qualify under the Secretary of State's guidance on student voting. **Open Democracy Action opposes this bill**

9:45 a.m. [HB 362](#) repeals current "domicile" definitions for students voting in New Hampshire, in a direct assault on student access to the polls in New Hampshire. **Open Democracy Action opposes this bill**

10:00 a.m. [HB 508](#), establishing a committee of three legislators to study the definition of "temporary" as it pertains to residence in the state for voting purposes. This would apply to temporary workers, but it's likely that the real purpose is to define "temporary" to keep students moving to NH from out of state from voting here. [Open Democracy Action has no position on this bill](#)

10:15 a.m. [HB 554](#) also attempts to define domicile as it pertains to temporary residents, specifying students, particularly those who have domicile in the state, but are away for the pandemic. "A student of any institution of



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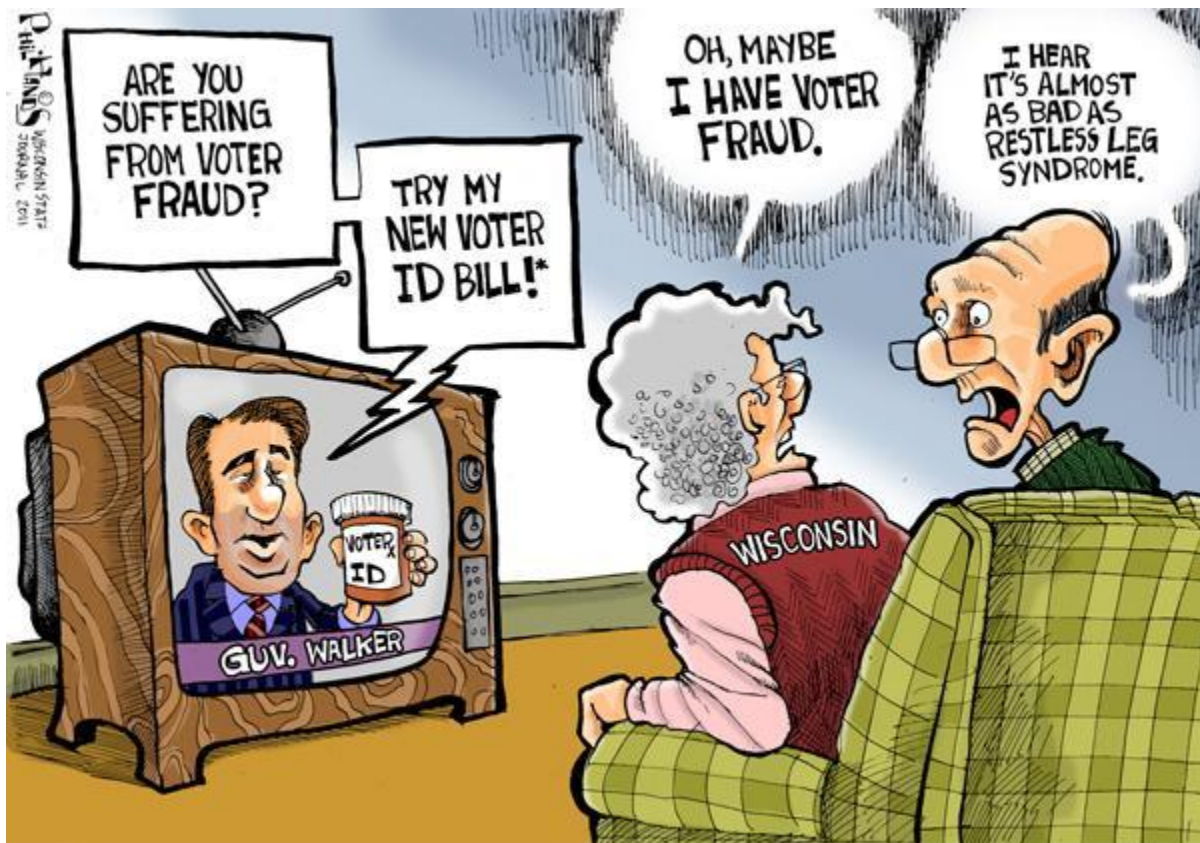
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learning may lawfully claim domicile for voting purposes in the New Hampshire town or city in which he or she [lives] maintains a physical presence while attending such institution of learning if such student's claim of domicile otherwise meets the requirements of RSA 654:1, I. " **Open Democracy Action opposes this bill**



*WARNING: SIDE EFFECTS MAY INCLUDE DISENFRANCHISING MINORITIES, THE ELDERLY AND STUDENTS.

10:30 a.m. [HB 531](#)-FN-L ends the current same-day registration practice of allowing a voter to sign an sworn affidavit, subject to providing documents such as a ID, citizenship or proof of domicile within 30 days of voting and being subject to investigation by the NH Attorney General. In those cases, the voter is allowed to vote. HB 531 instead allows the voter only to cast a "provisional" ballot, where the voter must return on election day with adequate documentation, or the vote will not be counted. The number of voters who use the current affidavit is very low statewide, and does not justify disenfranchising someone whose birth certificate is at mom & dad's in California. **Open Democracy Action opposes this bill** [Sign in to oppose](#)

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11:00 a.m. [HB 535](#) repeals the qualified voter affidavit, which would prohibit voters without the necessary domicile, citizenship or identification documents from voting. Currently voters without documentation that election officials consider to be qualified voters can fill out an affidavit, then vote as normal, but with the understanding that they will have to produce the necessary documents within 30 days. **Open Democracy Action opposes this bill** [Sign in to oppose](#)

11:30 a.m. [HB 538](#) modifies the definition of domicile for voting purposes, modifies forms and procedures used for voter registration, and removes the requirement that the NH Secretary of State conduct post-election voter registration inquiries. The bill also amends the general statutory definitions of "resident or inhabitant" and "residence or residency" to include an intent to maintain a principal place of physical presence for the indefinite future. **Open Democracy Action Supports this Bill** [Sign in to support this bill](#)

Monday, March 8, House Election Law - Executive Sessions - 12:00 p.m.

Except those noted, descriptions of these bills are in the [March 1 NH Democracy Report](#)

[HB 61](#), relative to absentee voting and allowing for partial processing ITL 11-8
of absentee ballots prior to election day;

[HB 144](#), relative to absentee ballot request forms; ITL 11-9

HB 285, relative to verification of voter checklists; OTP 11-9

[HB 291](#), relative to public inspection of absentee ballot lists; HB 292, relative to the absentee ballot application process; OTP 11-9

[HB 327](#), requiring that voters show identification when personally delivering absentee ballots to town and city clerks; Bill continued to 3/10 meeting

[HB 406](#), relative to the ability of the public to observe the processing and counting of absentee ballots; Retained in Committee 11-9

[HB 537](#), relative to the date of the state primary. [NHDR Jan 23](#) Retained in Committee 20-0

1:00 p.m. Executive Sessions on

[HB 372](#)-FN, relative to enforcement of the elections laws; ITL 20-0

[HB 480](#), relative to verification of ballots cast in an election; Retained in Committee 12-8

[HB 491](#), relative to over voted ballots; ITL 11-9

[HB 516](#)-FN, allowing voters to vote by absentee ballot; ITL 11-9

[HB 524](#)-FN, requiring the secretary of state to conduct random verification counts of polling place results; Retained in Committee, 11-9

[SB 43](#), authorizing an audit of the Rockingham County district 7 state representative race. Continued to Wednesday, March 10.

Tuesday, March 9, House Special Committee on Redistricting

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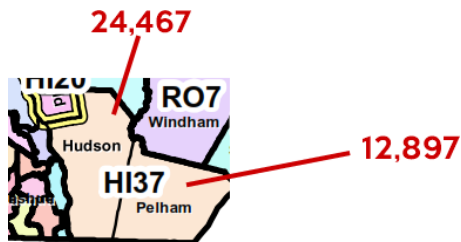
Members of the public may attend using the following links:

Join by video: <https://www.zoom.us/j/94125334680>

Join by phone: 929-205-6099 Webinar ID: 941 2533 4680

Technical issues: hcs@leg.state.nh.us or call (603-271-3600)

As of Monday, March 8, the public cannot sign in on bills or ask to testify. We have made inquiries about this, as it isn't much of a public hearing if the public can't speak. We have communicated to the press as well.



Please note that the bills to be heard are "placeholder" bills which contain 2011 data, not 2021 data. The bills will be introduced, then will likely be closed and voted to be retained in committee. Then the groundwork for drawing the maps will begin, including setting up the software, criteria and data sources other than the U.S. Census data. It is also possible that a contractor will be retained to do the actual mapping under the supervision of the committee and -- we hope -- the public.

Then in January 2022, the bills will be amended with 2020 data and voted on. It is unclear whether additional committee hearings will be heard, but public hearings are required in all NH counties, for which we will be asking you to attend.

10:00 a.m.

[HB 50](#), apportioning state representative districts;

[HB 51](#), apportioning state senate districts;

[HB 52](#), apportioning congressional districts;

[HB 53](#), apportioning executive council districts;

[HB 54](#), apportioning county commissioner districts;

[HB 55](#), apportioning delegates to state party conventions.

Attend the Hearing

**We're watching the
NH Special Committee
on Redistricting**

and making sure we the voters get a
Fair - Nonpartisan - Transparent
redistricting process!

Wednesday, March 10, House Election Law

The committee has a backlog of bills which have been heard, but have not yet been voted on in committee.

10:00 a.m. Continued Executive Session on any pending legislation may be held (if necessary).

Members of the public may attend using the following links:

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Join by video: <https://zoom.us/j/95087806399>

Join by phone: 1-929-205-6099 Webinar ID: 950 8780 6399

Technical issues: hcs@leg.state.nh.us or call (603-271-3600).

[HB 327](#), requiring that voters show identification when personally delivering absentee ballots to town and city clerks; [NHDR March 1](#)

[SB 43](#), authorizing an audit of the Rockingham County district 7 state representative race.

Continued to Wednesday, March 10. [NHDR March 1](#)

[HB 87](#), relative to the definition of electioneering; [NHDR Jan 31](#) Exec. session now March 10

[HB 97](#), modifying the dates of the state primary and associated filing deadline; [NHDR Jan 23](#)

Exec. session now March 10, 10:10 AM

[HB 98](#), relative to the date of the state primary election; Exec.session now March 10. [NHDR Jan 23](#)

[HB 151](#), relative to changes of registration of certain voters after a primary election;

Exec.session now March 10. [NHDR Feb 14](#)

[HB 370](#), relative to the election of electors of the president and vice-president of the United States; Exec.session now March 10. [NHDR Feb 14](#)



[HB 428](#) would require full transparency for the meetings of the Special Committee on Redistricting, and would require the release of proposed maps 30 days prior to a public hearing. Testimony on the bill included support from the Open Democracy Action, Kent Street Coalition and a number of citizens. **Open Democracy Action**

Supports this Bill Exec.session now March 10. [NHDR Feb 14](#)

[HB 470](#), relative to the designation of office on ballots; Exec.session now March 10. [NHDR Feb 14](#)

[HB 555](#), relative to prisoners' voting rights; Exec.session now March 10. [NHDR Feb 14](#)

[HB 482](#), relative to the use of campaign contributions for personal use expenditures;

Exec.session now March 10. [NHDR Jan 31](#)

[HB 523](#)-FN, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete; Exec.session now March 10.

[NHDR Feb 7](#)

[HB 551](#)-FN, relative to the statewide voter database; Exec.session now March 10. [NHDR Feb 14](#)

[HB 570](#), permitting certain political organizations to appear on a general election ballot as a minor party after holding a nominating convention. Exec.session now March 10. [NHDR Feb 14](#)

LAST WEEK'S HEARINGS

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MONDAY, MARCH 1: SENATE ELECTION LAW AND MUNICIPAL AFFAIRS

Sen. Gray (C), Sen. Birdsell (VC), Sen. Ward, Sen. Soucy, Sen. Perkins Kwoka

Attend by Video: <https://www.zoom.us/j/93775337004>

Attend by Phone: 929-205-6099 Webinar ID: 937 7533 7004

Sign in: <http://gencourt.state.nh.us/remotecommittee/senate.aspx>

Technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).



[SB 90](#), requires any resources used as part of the redistricting process to be available for public examination. In 2011, the software used by the majority was never made public, and the criteria and data never received public scrutiny. Testimony was overwhelmingly positive, as it was in HB 428 the Friday before in House Election Law, yet HB 428 was voted Inexpedient to Legislate. SB 90 may be the last chance for a statute to compel a fair, transparent process. We expect a vote in committee shortly. **Update: Late Monday, SB 90 was voted ITL 3-2.**

THURSDAY, MARCH 4: HOUSE ELECTION LAW

Join by Video: <https://zoom.us/j/91092569734>

Join by Phone: 929-205-6099, Webinar ID: 910 9256 9734

Tech issues: hcs@leg.state.nh.us or call (603-271-3600).

Sign in on the bills: <http://gencourt.state.nh.us/house/committees/remotetestimony/default.aspx>



[HB 61](#) makes the changes proposed in last year's HB 1266 for the pandemic to be permanent. While there was wide testimony in support of the bill to give access to the ballot to the elderly, immune compromised and other voters who don't fit NH's current "excuse" categories. The NH Municipal Association chose only to support the preprocessing portions of the bill, and the Secretary of State's office spoke against the bill, arguing it would -- without evidence -- encourage "ballot harvesting." Executive session is expected on either March 8 or 10th.

Open Democracy Action Supports this Bill

[HB 516](#) is similar to HB 61 as a "No Excuse" absentee voting bill, and removes NH's four excuses and leaves the decision up to the voter as to whether they are able to attend in person

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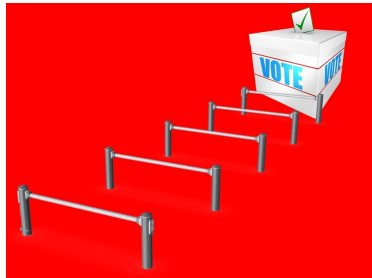
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or not. HB 516 does not have the preprocessing rule changes. Open Democracy Action testified for this bill. Executive session is expected on either March 8 or 10th.

Open Democracy Action Supports this Bill

[HB 144](#) makes changes to the absentee ballot application and includes “confinement” in prison as a valid excuse. The bill sponsor, Rep. Bergeron, is proposing an amendment to the bill to clarify some of the definitions for the bill, including making clear that the bill applies only to voters confined for non-felony offenses. Executive session is expected on either March 8 or 10th. **Open Democracy Action Supports this Bill**



[HB 292](#) sets up a “Verified Voter” system for absentee voting, putting in yet another barrier to absentee voters. If the ballot is being sent to an address other than the voter’s registration address - to a winter home, for example - the bill suggests that the voter get a notarized signature to be “verified.” The bill creates additional barriers to the elderly and disabled who may not have either the mobility or means to get something notarized. Executive session is expected on either March 8 or 10th. **Open**

Democracy Action opposes this bill

[HB 327](#) instructs election officials to record that an ID has been presented when a person returns his or her own absentee ballot, but does not say that an ID must be shown. **Open Democracy Action takes no position on this bill, at this time**, but is watching for amendments, along with the NH Campaign for Voting Rights. Executive session is expected on either March 8 or 10th.

[HB 291](#), is another bill using alleged fraud as the justification for tighter regulations on absentee ballots. The bill requires that town and city clerks shall make absentee ballot voter lists available for public inspection, but more importantly, specifies data to be submitted to the Secretary of State to make a report. Executive session is expected on either March 8 or 10th.

Share the sign-up for the NH Democracy Report:

https://www.opendemocracyaction.org/nh_democracy_report

[HB 406](#), instead of observers watching from outside of the guardrail, this bill allows members of the public to observe the processing and counting of absentee ballots without obstruction and

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from a distance of 6 feet. Executive session is expected on either March 8 or 10th. **Open Democracy Action opposes this bill**

[HB 372](#)-FN would allow investigations on election law complaints to be investigated by county and municipal prosecutors, in lieu of the current NH Attorney General investigations. While Open Democracy Action agrees that the NH Attorney General's office is underfunded and understaffed, we also feel that it is unlikely that local prosecutors have the available time or resources to prosecute such cases. Executive session is expected on either March 8 or 10th. [Open Democracy Action takes no position on this bill](#)

FRIDAY, MARCH 5: HOUSE ELECTION LAW

Hearings

[HB 480](#) requires that challenged ballots or absentee ballots be preserved for 22 months, and that the public be given access to ballots, once any recounts have taken place. Rep. Edwards suggested that widespread fraud in other states and the "obvious problems in Windham" justifies the additional steps to preserve the documents. The NH SOS office takes the position that the identity of the voter might be identified if the public were to have access. Ballot auditing activist Debra Sumner testified that such a move was necessary to have an accountable government. [Open Democracy Action takes no position on this bill](#)



[HB 491](#), puts a procedure in place to allow election officials and voters to "cure" a ballot on which the voter has "overvoted," or voted for more than the allowed number of candidates. The bill requires that voting machines be programmed to reject overvoted ballots, giving voters an opportunity to fix it with a new ballot. Some members of the committee were concerned that machine-counted and hand-counted ballots might be handled differently, should a manual ballot make the same overvoting mistake. [Open Democracy Action takes no position on this bill](#)

[HB 524](#)-FN requires the NH SOS to conduct random verification counts of polling place results, and sets a protocol for random counts, trying to spot, we think, patterns of widespread manipulation of voting machines, as was falsely alleged in the Nov. 2020 general election. The sponsor of the bill explained his rationale for the 2% sample proposed, but others were concerned that if the Secretary of State were given a choice of what town to audit, the SOS

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could game the system to look good. Voting integrity advocate Debra Sumner testified in favor of the bill. [Open Democracy Action takes no position on this bill](#)

We had previously reported [SB 43](#) as a bill wanting to use the results of the Congressional election to apportion two of the electoral college votes. That bill was later changed with an unrelated amendment authorizing an audit of the Rockingham County district 7 state representative race. This is the now widely-reported Windham election count issue, which does need scrutiny by state election officials. The bill passed the Senate last week and is being fast-tracked so the state can audit the election results. **Open Democracy Action Supports this Bill**

LAST WEEK'S SESSIONS

NH SENATE SESSION, Thursday, March 4, 2021

[SB 46](#), authorizes cities and towns to use electronic poll books, which could be used in lieu of the giant paper printouts, speeding up the check-in process on election day. The SOS has spoken against the bill, but tests in towns around the state have shown the system to be fast and reliable. The bill passed 5-0 in committee, and passed the whole Senate, 23-1 **Open Democracy Action Supports this Bill**

[SB 54, as amended](#), requires absentee ballot applicants and voters to submit photocopies of their driver's licence when submitting their application or ballot, but then was amended to allow just the license number, or other types of eligibility documents like property tax or water department accounts to prove identity. Voted Ought to Pass, with Amendment, Vote 3-2. The bill passed the Senate 14-10. **Open Democracy Action opposes this bill**

Upcoming Sessions

Thursday, March 11, 10 AM - NH Senate in Full Session

<http://sg001-harmony.sliq.net/00286/Harmony/en/View/Calendar/20210311/-1>

We don't get a schedule of bills from the NH Senate. SB 83 & SB 90 have not been voted out of committee, so we're not anticipating many democracy-related bills this week.

No House Session Expected Until April

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No plans have yet been announced, but intel from around the State House suggests that the next full House session may not occur until April. When it does, it's likely to be a multi-day marathon, with hundreds of bills being acted on in order to meet the deadlines for "crossover" to the NH Senate.

Share the sign-up for the NH Democracy Report:

https://www.opendemocracyaction.org/nh_democracy_report

Important Event: April 10, 2-4 p.m.

Sign up to learn more about the redistricting process, gerrymandering and how to take action to ensure we have fair, nonpartisan maps, drawn in a transparent process.

Redistricting Forum 2021
April 10
2 pm to 4 pm
A Free Event via Zoom
NH Voters like YOU
Learning from Experts on
Redistricting, Gerrymandering &
How to Take Action to
Protect Our Democracy
Reserve your spot today
Hosted by Open Democracy
Co-Sponsored by Kent Street Coalition, League of Women Voters NH,
& Granite State Progress

This forum is for YOU!

**Voters - Activists - Legislators
Interested Citizens - Students**

What you'll learn

- Defining Fair Redistricting
- What is Gerrymandering & How is it Done?
- NH's tangled history with Gerrymandering
- What's happening in NH to ensure fair maps in 2021
- How to get involved in the effort for Fair, Nonpartisan and Transparent maps

Register Now - It's Free!

[tps://www.opendemocracynh.org/2021_redistricting_forum](https://www.opendemocracynh.org/2021_redistricting_forum)

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